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June 25, 2013

Reporter Luke Hegdal
Walla Walla Union Bulletin

Re: Questions posed via E-Mail on June 18, 2013
Regarding Undersheriff Eddie Freyer

Mr. Hegdal,

Thank you for your questions you sent me via email on June 18, 2013. I also appreciate the Union Bulletin management allowing me time to respond to your questions.

I realize that you are most likely seeking shorter quotes from me which will fit into your story; however I am of the opinion that short snippets or out of context quotes are wholly inadequate to explain and respond to your questions. I am under no false expectation that you won't edit my responses and comments to serve your journalistic purposes; however in our recent conversation, you said that the people have a right to know. If you believe this, but then edit or cut down any of my below responses, then aren't you in effect denying the people the right to know the truth? I mean no disrespect by asking this question and please don't take offense by it; it's just that the questions you pose require more than a short answer to address.

I reiterate what Walla Walla Police Chief Bieber has asked of Mr. Blethen in his 06/20/13 email; please do not malign a hard-working, knowledgeable, experienced law enforcement professional such as Undersheriff Eddie Freyer due to faulty facts, faulty assumptions, and faulty conclusions. He has honorably served our country and communities for over 40 years. As you'll see below, Eddie has worked very diligently for our community, made tremendous progress and accomplishments in many areas, and earned the respect of those he has worked with locally.

Thank you.

As to your question #1:

I am unable to comment on the previous administration's practices in this area as I did not work here then. You then state, "It also seems..." and ask "Is this an accurate statement?" The answer is no, your statement is not accurate. As the Union Bulletin learned from conversation with the Washington Association of Sheriffs and Police Chiefs (WASPC) Executive Director Mitch Barker, our Sheriff's Office command staff is run in accordance with how other law enforcement command staffs are run in this state and in accordance with what Mr Barker described as best practice. Our command staff is run morally, ethically, and legally.

For example, non-exempt full-time employees are required to work 2,080 hours per year. Although this annual hour requirement does not exist for exempt employees, I shall use this amount as a benchmark throughout my comments below. I have personal knowledge that all command staff officers, including Undersheriff Freyer, have worked well in excess of 2,080 hours per year since the date I took office. I will expand upon this further below.

As to your question #2:

Please see the attached position description for the job of Undersheriff.

As to your question #3:

Please see the attached copies of the Walla Walla County Personnel Policies and Operations Manual, Policy No. 40.01.0; one with revision date of 04/06/09 and the other with revision date of 01/09/12. These are the county policies which cover the time frame which I have been Sheriff.

Both versions of the policy manual state, "If an employee is classified as a FLSA executive, professional, or administrative exempt employee, he/she is compensated in relationship to the overall level of expected job performance over a period of time, and not according to the number of hours that are worked. These employees may receive compensatory time for hours worked in excess of forty-five (45) hours per week at the rate of one to one accrual basis."

Further down the same page in both policies, it explains, "Compensatory time shall be scheduled and taken off by mutual agreement with the Elected Official..." and "Approval of any overtime/compensatory time worked by exempt or non-exempt employees is at the discretion of the Elected Official..."

Within the same policy section, the 04/06/09 version states, "Department Heads appointed by the Board of County Commissioners shall not accrue overtime or compensatory time."

The 01/09/12 revision added language to that sentence stating, "Department Heads and all other appointed positions designated by either the Board of County Commissioners or other Elected Officials shall not accrue overtime or compensatory time."

As you have stated and the State Auditor's Office concluded, Undersheriff Freyer is an FLSA exempt employee of the Sheriff's Office. 29 C.F.R. 541.604(a) explains that the exemption is not lost if an exempt employee receives additional compensation based upon hours worked beyond what is required. Such additional compensation may be paid on any basis (e.g., flat sum, bonus

payment, straight-time hourly amount, time and one-half, or any other basis), and may include paid time off. A copy of the State Auditor's letter dated 12/18/12 is attached.

The County Auditor's Office brought this county policy change to our attention when they conducted an internal audit to ensure compliance with the new policy changes. They noticed that during the first part of 2012 some exempt county employees were still submitting for and using comp time as they had done under the old policy. When this error was brought to our attention, time adjustments between compensatory time and vacation time were made in order to properly account for this time and comply with the new policy. I am not sure what records you are in possession of, but your June 24 email is most likely referring to the adjustments made in April 2012 and July 2012, not new comp time taken or claimed at that time. Actions of these exempt county employees, including Undersheriff Freyer, although a technical violation of a new policy, were still clearly legal, done without malice or ill-intention, and rectified in a professional and timely manner.

As to your question #4:

Although I appreciate your "careful examination of key card data and computer access data supplied by the county's IT department," it is irresponsible and unfitting for anyone to conclude that "it appears that Undersheriff Freyer is away from the office, not working, a considerable amount of time." Your "careful examination" considers only a sliver of the information and facts. By the very nature of his work, Undersheriff Freyer works at many locations, during all hours of the day and night, and on weekends when the job calls for it. Our job does not know "banker's hours." Just because our building's key card or computer system shows no access, that in no way means that the Undersheriff was not working. Eddie, due to his tenure, is more "old school" in nature; he prefers reading paper over a computer screen, and telephone and face to face conversations over e-mail. The fact that he may not be on his computer as much as others does not come as a surprise to me. This "old school" nature in no way equates to him not being very good at his job.

With no disrespect intended, your key card conclusion is particularly humorous as many times fellow employees let other employees into the building. I know this has happened to me several times and I have seen it happen to others, including Undersheriff Freyer, many times as well. Our key cards must be held up to a pad and are used for entry only; they do not record when someone simply walks by with a card in their pocket or exits the building. Our building's key card system is not a system for tracking employee attendance. Your conclusions that if someone else let Eddie into the building, or he worked at some other location than the Sheriff's Office, he doesn't get credit from the Union Bulletin for working are naive of the nature of our work and flawed.

By your logic, Eddie does not get work credit from you when he is on-call and handling phone calls in the middle of the night; responds to a crime scene; responds to an off-hour incident or SWAT call-out; provides SWAT Team leadership, guidance, and training off-site and over at the WWPd; responds to a Search and Rescue mission; designs, plans, and supervises SAR Team trainings- both the monthly evening trainings and full-scale week-end events (like the one you were invited to and attended); provides SAR executive board leadership at their evening meetings; participates in Emergency Management disaster drills and debriefs; designs, plans, and participates in our regional CART (Child Abduction Response Team) meetings and a full-scale live training exercise involving numerous regional agencies and numerous citizen role-player volunteers he helped coordinate; attends training or conferences on law enforcement trends and subjects; attends

regional law enforcement intelligence and gang suppression meetings; provides training to other law enforcement agencies; reads and researches law enforcement related subjects; responds to telephone calls and emails on his cell phone; researches and discusses new first-responder techniques with other national subject matter experts in response to Sandy Hook and other such tragedies in an attempt to ensure they never happen here, researches and helps design new courthouse security measures, and a whole host of other law enforcement sensitive work which I cannot divulge that Undersheriff Freyer accomplishes for the betterment of our community; all of which by your "careful examination" does not count as work.

Apparently by your logic and insinuations, the time Undersheriff Freyer spends teaching other law enforcement professionals the lessons learned from when he was the lead FBI Special Agent on the Polly Klaas child abduction case so that they hopefully never have to go through such tragedy, or will do a better job if tragedy strikes, is "not working" because he didn't use his card key or computer.

Your statements that Eddie "is away from the office, not working, a considerable amount of time" and "that he works short days" are inaccurate and completely not true. As you probably know, employers are encouraged to not mandate the tracking or reporting of exempt employee "overtime" hours worked as it may aid and result in converting an exempt employee, who is free to work as much as is needed to get the job done, into a non-exempt employee who is entitled to hour for hour accounting and overtime pay. We simply could not afford to pay our command staff officers overtime for all the additional hours they work each year. Flexible schedules for law enforcement command staff officers are not only encouraged and considered best practice, but in my opinion they are absolutely necessary in order for them to work the hours needed and get their work done properly. Command staff flex schedules however should not be confused with vacation hour accrual and usage; they are two different things. Again, an annual average of 40 hours per week or 2,080 possible regular work hours per year are only a benchmark from non-exempt employees standards, but given this benchmark, I know that Undersheriff Freyer has worked many hundreds of hours over 2,080 hours each year in both 2011 & 2012. This year is no different; Eddie has already put in hundreds of hours over the "required" amount. Although exempt employees do not punch a clock for the reasons outlines above, I still have personal knowledge of how much time my command staff puts in and how diligently they work. Eddie has performed these numerous additional work hours each year with the knowledge that he will not receive any additional financial compensation for it; he does it because he knows it's important and the work he does makes a real difference in people's lives.

Off-duty work for law enforcement officers is nothing strange or improper and is very common. Due to his expertise and knowledge, Undersheriff Freyer is a highly sought after and recruited person; our community is very fortunate to have him. Contrary to your insinuations, since January 2011, approved off-duty work has never interfered with any Sheriff's Office employee's official capacities nor has it negatively impacted work product or service to our county.

As you can see, your statement that, "in a 7 month period between January and July of 2012, Freyer was claiming 100 percent of his salary, while he is away from the office roughly 34 percent of the allotted days" is very inaccurate. In fact, in 2012 Undersheriff Freyer chose to work many more hours than what was "required" of him knowing full well that he would not receive any additional financial compensation. I use the term "required" loosely to refer to that 2,080 hours per year benchmark, knowing full well that much more is "required" and expected of an Undersheriff. According to experts and other police managers, given the law, the policies, and the

nature of law enforcement command staff work, the best practice is to allow exempt employee command staff officers to properly flex and adjust their schedules. This assures that they can work the extra time necessary to respond to the Sheriff's Office and community's needs while also balancing some well-deserved personal and family time. In Undersheriff Freyer's case, this has been successfully accomplished while he maintains an annual number of hours worked far above the 2,080 hours per year benchmark and outstanding work product. Again per the law and our county policy, FLSA exempt employees are compensated in relationship to the overall level of job performance over a period of time, and not according to the number of hours that are worked. Please see the attached letters from WWPB Chief Scott Bieber, Pasco PD Chief Bob Metzger, Prosecuting Attorney Rea Culwell, CART Co-Coordinator Michelle Long, and SAR President Margaret Schacht attesting to Eddie's outstanding work ethic and very hard to replace contributions to our community. Chief Ken Hohenberg from Kennewick PD also encourages you to contact him regarding his observations of Eddie and our Sheriff's Office.

Many examples of Eddie's work ethic come to mind; his professional manner of fulfilling his Undersheriff duties, his efforts to keep our Balloon Stampede and County Fair free of crime and tragedy, his work with SAR, SWAT, CART, and his efforts to ensure our Deputies get the best training available, all while fulfilling his other Undersheriff administrative duties. But, there is one which exemplifies Eddie's character and is forever embedded in my mind. It is the tragic week of June 24, 2012. It was this week that we experienced two young men's drowning deaths in the Snake River and just off the Columbia River in Casey Pond. We received a call at approximately one minute past midnight on Sunday June 24, 2012 that a boat had just capsized and there was a missing boy. I was at the Sheriff's Office working on a project and immediately responded from the station. I called Eddie while enroute to Hood Park in Burbank and he headed that way as well. Eddie stayed there all night with me and well into the late afternoon. As our agency was the lead agency, he coordinated the initial search and rescue efforts and then eventually the recovery efforts with several other local, state, and federal agencies and private entities as I coordinated the investigation into what had occurred. Eddie was kind and compassionate with the family and friends, courteous and helpful to the news media on scene, and tireless in his effort to find the missing boy. While working the extremely long hours that this effort required, another boy slipped into the water in the late afternoon hours of Wednesday June 27. Although he had just arrived home after four very long days, he immediately turned right around and responded to the scene of the second incident. I specifically remember how tired Eddie was from the previous four days' work and asking him not to turn around and respond after just getting home. Undersheriff Freyer would have nothing to do with that. He responded immediately and tirelessly worked over 100 hours that week. Please see the attached two letters of commendation regarding these two incidents. Although these were extraordinary events, Eddie's quiet, professional, and unassuming humble response was typical of his work ethic and performance.

If I observed any flex schedule work hour abuses or any other character or integrity issues within my command staff, they would simply no longer be on my command staff.

As to your question #5:

Currently, Undersheriff Freyer accrues vacation time per county policy at a rate of 8.0 hours per month. As stated above, vacation hours should not be confused with an FLSA exempt command staff officer's flexible work schedule.

As to your question #6:

With no disrespect intended and based upon my above comments, I understand the connection you are trying to make. That connection does not exist. All WWSO command staff officers work effectively, efficiently, and professionally with great results for our county. They all put in more hours per year than is required of a non-exempt employee without any opportunity for overtime financial compensation. The underlying assumption in your question #6 is that they do not put in an appropriate number of hours or work which is inaccurate.

Conclusion:

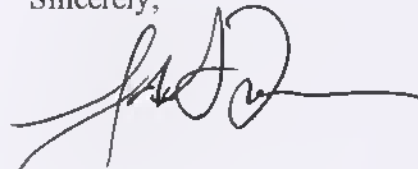
This Sheriff Office, including its Command Staff, is filled with good, honest, hard-working people who strive to embody our vision, mission, and core values every day. Our vision, mission, and core values are attached for your convenience.

Undersheriff Edward L. Freyer is one of the most hard-working, professional, knowledgeable, and honorable men I have ever had the privilege of working with. His character, work ethic, and integrity are second to none.

The bottom line and undisputed fact is that the Washington State Auditor's Office conducted an investigation into this matter and found that no wrong doing had occurred.

In Commissioner Tompkins' initial letter regarding this matter, he writes, "It has been reported to us..." To date, the Sheriff's Office has not been made aware of whom this reporting person is. Has the Union Bulletin been able to determine who this unidentified reporting person is and the motives behind their claims?

Sincerely,



John A. Turner
Sheriff